

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Moser *et al.*
Title: POLYMERASE INHIBITOR
AND METHOD OF USING
SAME
Appl. No.: 10/551,705
International Filing Date: 4/1/2004
371(c) Date: 7/14/2006
Examiner: Amy Hudson Bowman
Art Unit: 1635
Confirmation Number: 3640

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Bowman:

This communication is responsive to the Restriction/Species Election Requirement dated March 20, 2009. The shortened statutory period for response is set to expire on April 20, 2009. Accordingly, this response is timely filed.

The Examiner has required restriction between Claims 1-17, 26 and 27 (Group I), drawn to a polymerase inhibitor and a kit comprising the inhibitor, and Claims 18-25 (Group II), drawn to a method for inhibiting a nucleic acid polymerase. In response, Applicants hereby elect Group I (Claims 1-17, 26 and 27) for examination, without traverse. Applicants understand that if the

product claims are found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claims will be considered for rejoinder.

The Examiner also alleges that the application contains claims directed to more than one species. Specifically, the Examiner states that claims 10 and 11 are directed to different species of polymerase inhibitor (single nucleic acid vs. two separate nucleic acids). Applicants hereby elect two separate nucleic acids (as recited in claim 11) for examination, without traverse. The Examiner also states that claims 13 and 14 are directed to different species of structural characteristics for the polymerase inhibitor (DNA vs. RNA). Applicants hereby elect DNA or a DNA mimetic (as recited in claim 13) for examination, without traverse. Applicants submit that claims 1-9, 11-12, 13, and 15-17 read on the elected species.

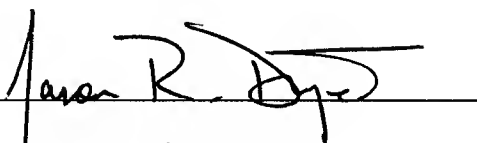
Although no fees are believed due, the Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 17, 2009

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By



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